

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 3:16CR108
)	
Plaintiff,)	JUDGE JAMES G. CARR
)	
v.)	FILED UNDER SEAL
)	
STEVEN CALMES,)	<u>SENTENCING MEMORANDUM</u>
)	<u>OF THE UNITED STATES</u>
Defendant.)	
)	

I. OVERVIEW

From at least September 2009 to February 2015, Steven Calmes sexually exploited over 100 minor girls as young as eight years old. He began by searching for and downloading sexually explicit images and videos of children. When that no longer satisfied his sexual desires, Calmes began befriending minor girls online and then coercing and enticing them to send him naked pictures of themselves, and in many cases to appear naked on a web camera for him. Calmes often directed the girls on what to do during the video sessions and then recorded them doing it for his later viewing pleasure.

Calmes did all of this by taking advantage of these young girls' ignorance of the lasting nature of their actions, and often of their immature desire to achieve VIP status on an online game as incentive in exchange for the acts he instructed them to engage in. The fallout from Calmes' actions will haunt these girls for the rest of their lives. Therefore, the government requests a similarly significant sentence for him.

II. STATEMENT OF FACTS

A. “Do you like money?” and “Would you let me see you on cam?”

In June 2014, a grandmother discovered inappropriate conversations on her nine-year old granddaughter’s tablet. She made a report to her local Sheriff’s department in Iowa. The report indicated that the suspect met the victim online in a game that she was playing and then directed the little girl to a chat room where these conversations took place. A summary of the initial chat conversation is contained in the table below.

Calmes:	I’m afraid to ask how old you are. heh
IH:	I am 9
Calmes:	wow. I thought you were older. You’re too pretty to only be 9
IH:	U are Crepy [Creepy]
Calmes:	haha. Sorry. Just trying to be nice
IH:	M
Calmes:	oh well. Do you like money?
IH:	Yes.
Calmes:	okk. Is \$300 a lot to you?
IH:	Yes.
Calmes:	What you buy with all that money, IH?
IH:	Stuff at adveturland
Calmes:	oh ok. When do you turn 10? Like, what month?
IH:	How old are u
Calmes:	ehh.. i’m.. a lot older than you. Sorry. Is that bad? (That’s how I have the money.)
IH:	Yes and stop talking to me
Calmes:	ok. I guess you don’t want that money. Sorry
IH:	Why would u give me the money
Calmes:	To make you happy... and because you’re really pretty
IH:	That’s weird to say that to a nine year old
Calmes:	lol. I guess? I’d ask if you ever have fun on cam.. but.. you’re probably too young for that
IH:	Stop talking to mr [me]
Calmes:	ugh. Fine. You’re no fun.

On a different date, Calmes again tried to convince IH to get on camera with him.

Unbeknownst to Calmes, IH’s older brother was on her account and acted like he was IH in the following exchange.

Calmes:	would you let me see you on cam?
IH:	NO
Calmes:	Why not??
IH:	U are i
Calmes:	I could show you things?
IH:	Like wate [what]
Calmes:	What would you want to see?
IH:	I hate u
Calmes:	Lol. What would you want to see? My.. thing?
IH:	NO

Calmes continued the chat messages with IH repeatedly asking the little girl to get on camera with him so he could see what she was wearing. When she said she didn't know how to get on a camera, he told her by sending her a link to his chat room, and told her to answer when he calls. Before this visual chat could take place, however, IH's family figured out what was going on and contacted law enforcement. Law enforcement was able to trace the IP addresses used by Calmes to communicate with IH. One of the addresses came back to Calmes' residence and the other came back to his place of employment.

B. "[T]he thrill of the hunt."

This was not the first time Calmes had attempted to coerce a young female into revealing herself to him on camera. The investigation revealed Calmes had contact with approximately 135 minor females via Skype, Tinchat, and/or other video chat program. The ages of these victims range from age nine to age 16 and include victims who Calmes was able to successfully persuade to become naked on camera, often times displaying their genitalia and engaging in various acts of masturbation and/or penetration.

In February 2015, a search warrant was executed at Calmes' residence in Maumee, Ohio. Agents seized numerous computers and hard drives during execution of the warrant. These devices were forensically examined and revealed numerous videos depicting, in part, various minor females engaged in video chats with Calmes. Calmes and the various victims are visible

in the videos. Calmes used real time text messages to direct the minor females to engage in sexually explicit conduct, including self-masturbation. Additionally, there were hundreds of chat messages discovered between Calmes and minor children. Calmes created several aliases and screen names he used while interacting with the minor children. Often times Calmes approached the same victim using different aliases. He would make initial contact using an online chat room or game room connection, and then, once he learned her age, location or something about her, he would contact the same victim from a different alias pretending to know her or pretending to live near her to strike up a conversation.¹

Calmes also used his familiarity with the little girls to get them to search for other victims for him, even offering them money in exchange for their friends' contact information. An example of this type of conduct can be seen in the following online chat conversation with 10 year old victim, C.E. On February 28, 2014, the following exchange took place:

Calmes:	hmm.. do any of your friends need VIP? lol
CE:	hmm lemme check
Calmes:	I doubt they'd have fun for it though. lol
CE:	xD
Calmes:	lol. I don't know how you'd ask them if they would though..
CE:	xD
Calmes:	hmm.. would you be mad if I had fun with them? :P
CE:	Idk xD
Calmes:	lol. ok. You want me all to yourself. heh
CE:	xD lol
Calmes:	:) I just wanna hook up a younger girl and have some fun. hah
CE:	xD
Calmes:	I don't know if they'd want you giving out their screen names to me.. =/
CE:	lol yeah
Calmes:	Well.. i wouldn't tell them where I got it. :)

¹Depending upon the victim, Calmes claimed to be a teacher, a business owner, or a father to a nine-year old daughter. He told them he lived near them, citing Cleveland, Alabama, St. Louis, and Topeka, Kansas, to name a few. Or he told them he was coming to their area on business and suggested that they meet in person.

CE:	xD
Calmes:	hmm.. did you find anyone? lol
CE:	nopw
Calmes:	ugh. damn
Calmes:	hmm.. maybe if you could find a girl... I could get you a month of VIP for helping. heh
CE:	okay I'll look on msp
Calmes:	You're not gonna tell them.. like.. what they have to do to get the VIP ...are you? hah

In September 2014, he was asking the same question to 11-year old C.B.:

Calmes:	Hey.. do you know any other girls who would want me to buy them VIP?
CB:	My cusin kaylen wanted vip
Calmes:	oh ok.. how old is she?
CB:	11
Calmes:	oh ok. Would she.. have fun for it? lol

Calmes admitted to befriending young girls ages 10-14 on the internet and then convincing them to send him nude pictures of themselves or appearing naked on a web camera for him. He admitted to meeting most of the girls through YouTube or on various online game sites. He admitted to having also sent naked pictures of himself to the girls. He denied ever meeting with any of the girls and stated he did it “for the thrill of the hunt.” He confirmed that he had downloaded child pornography from the internet for approximately 18 years. He estimated he had about 250 videos and images of 12-14-year old girls engaging in sex acts.

C. “I don’t really care right now about your age. haha. I’m pretty horny”

Calmes knew exactly how old the young girls he was exploiting were because he asked them or because they told him. He chatted with them long enough to figure out what their weaknesses were and then he jumped at the chance to exploit them. If they were self-conscious about their bodies, he would tell them how beautiful they were or how much he liked looking at their bodies. If they expressed a lack of friends or family support, he would listen to their

troubles and then follow up with how much better they'd feel if they would just get on camera with him. If they expressed shyness at exposing themselves on camera, he would encourage them by telling them it's just like getting undressed before you get in the shower² or telling them "it's only 'weird' the first time".³ He often reminded the girls that they couldn't tell anyone they were talking and to keep it a secret. On August 8, 2012, Defendant in a conversation with 12-year old D.H. said:

Calmes:	lol. You want to see my dick?
DH:	uhhh ur not even chatting with me
DH:	but okay
DH:	but not really]
DH:	but you can if you want
Calmes:	Yeah. :) Would you show me anything? It'd make my penis a lot bigger.
DH:	sure
DH:	im only 12
Calmes:	I don't really care right now about your age. haha. I'm pretty horny
DH:	what do u wanna see me do

On December 31, 2013, Defendant told 11-year old C.E.:

Calmes:	heh. Wanna make some money? Lol
CE:	lol
CE:	maybe
CE:	do I need to do the same thing as last time for vip? o.o
Calmes:	ohhh. Well, yeah... :0 I love seeing your body. Heh
CE:	Okay o.o
Calmes:	:) You look pretty tonight
CE:	thanks.
Calmes:	You're welcome
Calmes:	What are you wearin?
CE:	okay what do I do o.o
Calmes:	Hmm.. take off your pants
CE:	okay
Calmes:	let me see your ass.. and slowly slide your panties down
Calmes:	damn baby
CE:	lol

²July 14, 2014 conversation with nine-year old A.S.

³June 17, 2014 conversation with nine-year old A.S.

Calmes:	ok.. hmm.. how about your pussy now
Calmes:	you still too shy to show your boobs?
CE:	yes
Calmes:	ugh.
Calmes:	do you want to see how big I am right now? lol
CE:	no thank you. lol
Calmes:	lol. let me see again.. one more time
Calmes:	Ugh.. I so wanna have fun with you. hah
CE:	xDD
Calmes:	Do you think I'm too old?
CE:	well yes im 11
Calmes:	so? lol. I love your body
CE:	lol
Calmes:	I'd give you a lot of money. hah
CE:	xD
Calmes:	You'd have to keep it a secret of course

III. APPLICABLE GUIDELINE RANGE

A. The Presentence Report should be adopted in its entirety.

The Probation Officer has calculated Calmes' adjusted offense level to be 49 (reduced to the table maximum of 43 per U.S.S.G. § 5A1.1, comment., n. 2) and his guideline range is life. Calmes has not identified any legal error committed by the Probation Officer nor has he identified any factual dispute that would trigger a need for this Court to conduct an evidentiary hearing. To date, no argument has been put forth that would suggest a basis for this Court to vary or depart from the stated guideline range.

IV. DETERMINING A SENTENCE THAT IS SUFFICIENT BUT NOT GREATER THAN NECESSARY

The law requires the Court to impose a sentence that is sufficient but not greater than necessary. Here, a sentence of life is sufficient for several reasons. First, such a sentence is what the Sentencing Guidelines counsel, and there is nothing about Calmes or his conduct that warrants a variance (at least not a downward variance). Second, a life sentence is what Calmes imposed on his victims, for they will be dealing with the consequences of his abuse for as long as

they live. Third, such a sentence should be reserved for the most dangerous offenders who have committed the most heinous offenses. Here, Calmes preyed upon many, many young girls, some as young as eight years old. He carefully stalked them and their friends, discovered their weaknesses and wants and then exploited them for his own sexual gratification. The seriousness of the conduct, the sheer number of victims, and the personal characteristics of the Defendant (particularly his lack of remorse and cavalier attitude about his conduct) militate in favor of a sentence consistent with the applicable guideline range.

Moreover, this Court is required by 18 U.S.C. §§ 3553(a)(2)(A) and (B) to consider the message of its sentence. Here, the deterrent value of a life sentence is significant, and far greater than any particular term of years, even if that term would exceed Calmes' life expectancy substantially.⁴ The message matters; and only a life sentence conveys the moral condemnation warranted for conduct such as Calmes'. This is especially true in light of the young age of the many victims here. It is imperative for their peace of mind that they know that Calmes will never get out of prison. 18 U.S.C. § 3553(a)(2)(A)(requiring a sentencing court to consider the need for just punishment).

This Court is also required to consider the need to avoid unwarranted disparity. 18 U.S.C. § 3553(a)(6). Calmes has not identified any mitigating factor which makes him any less culpable than other offenders convicted of such crimes. Nor has he shown that he is any more deserving

⁴ Calmes may argue that any sentence of substantial length is equivalent to a life sentence, due to his age. This factor actually cuts against him, however, because there is no sentence that is both adequate to meet the statutory purposes and yet short enough to allow Calmes a prospect of returning to society at large. Since Calmes will likely not survive any reasonable sentence, his age becomes irrelevant. The Court should therefore focus on the statutory factors of just punishment and deterrence, as well as the significant reasons for adhering to the recommended guideline range.

of leniency than others who, like him, have an offense level significantly greater than that required to trigger a guideline range of life.⁵ Only a guideline range sentence of life will accomplish the necessary purposes of sentencing as required by 18 U.S.C. § 3553(a).

Respectfully submitted,

DAVID A. SIERLEJA
Acting United States Attorney

By: /s/ Alissa M. Sterling
Alissa M. Sterling (OH: 0070056)
Assistant United States Attorney
Four Seagate, Suite 308
Toledo, OH 43604
(419) 259-6376
(419) 259-6360 (facsimile)
alissa.sterling@usdoj.gov

⁵ The Guidelines recommend a life sentence for all offenders with an offense level of 43 or higher. Calmes' offense level of 49 is substantially above even that. See USSG Ch. 1, Pt. A, comment., n. 4(h)(noting that guideline ranges roughly double for each six level increase).

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of June 2017 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Alissa M. Sterling
Alissa M. Sterling (OH: 0070056)
Assistant United States Attorney